

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-6 and 8-11 are now pending in this application. In the outstanding Office Action, claims 1-11 were rejected under 35 U.S.C. § 103(a) as being obvious over JP- 2001-072764 (hereinafter "JP-'764") in view of JP-2001-354542 (hereinafter "JP-'542"). Applicant amended the claims on December 31, 2007, cancelling claim 7. The Office issued an Advisory Action on January 29, 2008. In response, Applicant submits this Request for Reconsideration, and respectfully requests allowance of claims 1-6 and 8-11.

Claim 1 is an independent claim from which claims 2-5 depend. Claim 1 is directed to a cosmetic material comprising a crosslinked product of poly- $\gamma$ -glutamic acid and/or a crosslinked product of a poly- $\gamma$ -glutamic acid salt (hereinafter "crosslinked product"). The crosslinked product has an average particle size of 1 to 50  $\mu\text{m}$ . Claim 6, from which claims 8-11 depend, is directed to a cosmetic material that includes an oiliness agent and a crosslinked product as an oil dispersion modifier. The crosslinked product has an average particle size of 1 to 50  $\mu\text{m}$ .

The JP-'764 reference discloses a crosslinked polyamino acid used in cosmetics. The JP-'764 reference discloses the preferred use of polyaspartic acid as the backbone of the polyamino acid, but lists polyglutamic acid and polylysine as alternatives. The JP-'764 reference teaches a crosslinked polyamino acid having an average particle size of 10 nm to 500  $\mu\text{m}$ .

The JP-'542 reference discloses a moisturizer that comprises poly- $\gamma$ -glutamic acid bridges formed by irradiation. However, the JP-'542 reference does not teach or suggest the particle size of the present invention.

All of the pending claims are directed to a cosmetic material comprising a crosslinked product having an average particle size of 1 to 50  $\mu\text{m}$ . As discussed earlier, the experimental data in the specification supports the nonobviousness of the presently claim invention. Reference Example 1, Reference Example 2, and Comparative Example 1 in the specification all comprise crosslinked products having average particle sizes of 200  $\mu\text{m}$ , above the presently claimed range and within the range of the JP-'764 reference. All were found to have poor cosmetic characteristics. Comparative Example 3 comprises crosslinked product having an average particle size of 0.5  $\mu\text{m}$ , smaller in average particle size than the claimed product, was evaluated and found to have poor cosmetic characteristics. In contrast to these compositions, Examples 1 and 2, both comprising crosslinked products having average particle sizes of 10  $\mu\text{m}$  (within the average particle size of the claimed product) were found to have good cosmetic characteristics.

In the Advisory Action dated January 29, 2007, the Office indicated that these experimental results may show unexpected superior properties for the claimed compositions having average particle sizes of 10  $\mu\text{m}$ . Applicant has conducted additional testing that shows that the claimed compositions exhibit unexpectedly superior cosmetic qualities throughout the 1 to 50  $\mu\text{m}$  range of particle sizes of claim 1. Applicant intends to shortly submit the above experimental evidence via Supplemental Amendment with a Declaration under 37 CFR 1.132. The results of the additional testing are provided below in table form:

	Example				Reference Example				Comparative Example				Additional results			
	1		2		1		2		1		2		3		4	
Amount blended (% by mass)	99.4	99.0	99.4	99.0	99.4	99.0	99.4	99.0	99.4	99.0	99.4	99.0	99.4	99.0	99.4	99.0
Water	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0
Ethyl alcohol	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Perfume																
Crosslinked product of poly-glutamic acid	200 $\mu$ m				0.1	0.5	25.0						0.5			
	48 $\mu$ m															
	33 $\mu$ m													0.5		
	21 $\mu$ m														0.5	
	10 $\mu$ m	0.1	0.5													
Average particle size	1.2 $\mu$ m															0.5
	0.1 $\mu$ m									0.5						
Uncrosslinked poly-glutamic acid											0.1					
Evaluation results																
Moist feeling	A	A	A	A	A	A	A	B	B	E	A	A	A	A	A	A
Tidy feeling	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Neat feeling	A	A	B	B	B	B	B	B	B	E	A	A	A	A	A	A

Example 3 in the above table shows the evaluation of a cosmetic comprising a crosslinked product of the present invention with an average particle size of 48  $\mu$ m. This cosmetic shows good cosmetic properties, as indicated by the score of "A" in the evaluation of "Moist Feeling," "Tidy Feeling," and "Neat Feeling." Example 4 shows that a cosmetic comprising a crosslinked product of the present invention with an average particle size of 33  $\mu$ m has good cosmetic properties. Likewise, Example 5 shows that a cosmetic comprising a crosslinked product of the present invention with an average particle size of 21  $\mu$ m has good cosmetic properties. Finally, Example 6 shows that a cosmetic comprising a crosslinked product of the present invention with an average particle size of 1.2  $\mu$ m has good cosmetic properties.

As shown by the experimental data above and in the specification, cosmetic materials of the present invention comprising crosslinked product having average particle sizes of 1 to 50  $\mu$ m have superior cosmetic properties. Cosmetics with crosslinked product having particle sizes outside the claimed range show poor cosmetic properties. It is surprising that cosmetic materials with particle sizes within the claimed range are superior in the measured cosmetic properties. These unexpectedly superior results show the nonobviousness of the claimed cosmetic materials.

The claimed cosmetic materials all comprise crosslinked products having average particle sizes of 1 to 50  $\mu\text{m}$ , and cosmetic materials within this range have superior cosmetic properties as compared to those outside that range, including the broader range disclosed in the JP-'764 reference. Further, the JP-'542 reference cannot remedy the inadequacies of the JP-'764 reference, as it fails to teach crosslinked products having average particle sizes of 1 to 50  $\mu\text{m}$ . Accordingly, Applicant respectfully requests the withdrawal of the rejections of claims 1-6 and 8-11, and the allowance of these claims.

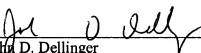
In light of the above discussion, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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